

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/617,692	DE LAFORCADE, VINCENT
	Examiner	Art Unit
	Frederick C. Nicolas	3754

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed on 8/30/2005.
2.  The allowed claim(s) is/are 1-57.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All b)  Some\* c)  None of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 7/03;3/04&9/04
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species A (Figs. 1-2, and 3A-3F); claims 1-19,21-24,26-35,37-51, and 53-57 in the reply filed on 8/30/2005 is acknowledged.
2. Claims 1,27 and 43 are generic and allowable. Accordingly, the restriction requirement as to the encompassed species is hereby withdrawn and claims 20,25,36 and 52, directed to the species of Figs. 4 and 5A-5D no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

### ***Allowable Subject Matter***

3. Claims 1-57 are allowed.
4. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a device for packaging at least one product in combination with the other claimed limitations of claim 1:

"wherein the device is configured so that the fluid pressurization is applied to the at least one component in at least two opposing directions so as to cause a reduction in volume of the at least one component and at least partial opening of the passage".

The prior art fails to disclose or render obvious a device for extemporaneous mixing of at least two products in combination with the other claimed limitations of claim 27:

"wherein the device is configured so that the first separating component, when moved from the first position to the second position, is displaced toward the one of the

first compartment and the second compartment in which the pressurization is generated".

Further, the prior art fails to disclose or render obvious a device for packaging at least one product in combination with the other claimed limitations of claim 43:

"wherein the device is configured so that at least one dimension of the component becomes reduced in response to pressurization generated by the pressurization portion so as to enable movement of the component from a first position located in the passage to a second position located remote from the passage and the compartment".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

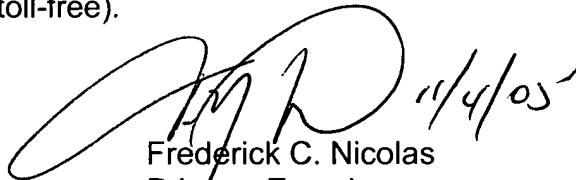
***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Braymer, Jr. 4,331,233, Wilburn 3,198,194, Allet-Coche 3,796,303, Ogle 3,674,028, Aneas 6,189,688, Wright et al. 6,866,039 and Albisetti 6,758,374 disclose other types of device for packaging at least one product.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar, can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN  
November 4, 2005



11/4/05  
Frederick C. Nicolas  
Primary Examiner  
Art Unit 3754